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****E-filed 6/1/05****

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Attorneys for Plaintiff

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN JOSE DIVISION

UNITED STATES OF AMERICA,)	No. CR 05-00091-JF
)	
Plaintiff,)	STIPULATION REGARDING
)	CONTINUANCE OF STATUS
v.)	CONFERENCE AND EXCLUDABLE
)	TIME AND ORDER
ROMAN MEYDBRAY,)	
)	
Defendant.)	
_____)	

It is hereby stipulated and agreed between defendant Roman Meydbray, through his counsel Thomas J. Nolan, and the United States as follows:

The parties continue to discuss possible resolution in this case. The parties need additional time to discuss the issues in this case, which include two counts of Unlawful Access to Stored Communications, in violation of 18 U.S.C. §§ 2701(a)(1), 2701(b)(1); one count of Intentionally Causing Damage to a Computer, in violation of 18 U.S.C. §§ 1030(a)(5)(A)(i), 1030(a)(5)(B)(i), 1030(b) & 1030(c)(4)(A); and one count of Unauthorized Access To a Computer Recklessly Causing Damage, in violation of 18 U.S.C. §§ 1030(a)(5)(A)(ii), 1030(a)(5)(B)(i), 1030(b) & 1030(c)(4)(B). The parties request that the status conference be continued from June 1, 2005 to

STIPULATION REGARDING CONTINUANCE OF STATUS CONFERENCE AND EXCLUDABLE TIME AND [PROPOSED] ORDER
CR 05-00091-JF

1 June 8, 2005 at 1:30 P.M. before the Honorable Jeremy Fogel, or the next available date. The
2 parties need time to review and consider a few remaining sentencing issues in this case, which
3 need full consideration prior to the next status conference before the Court. For these reasons,
4 the defense requests additional time to review the evidence in this case before appearing for a
5 status conference, and the parties request a continuance.

6 The parties stipulate and move the Court to exclude time under the Speedy Trial Act from
7 June 1, 2005 to June 8, 2005, or next available date, because the parties believe that the ends of
8 justice served by the granting of such a continuance outweigh the best interests of the public and
9 the defendant in a speedy trial, particularly since reasonable time is needed for the defense to
10 prepare for pretrial and trial matters, pursuant to 18 U.S.C. §§ 3161(h)(8)(A), 3161(h)(8)(B)(ii).
11 In addition to discussing the issues in this case, the defense needs a reasonable amount of time to
12 review the discovery and possible sentencing issues. The parties further stipulate that time may
13 be excluded for reasonable time for defense preparation, since the failure to exclude time would
14 deny counsel for the defendant reasonable time necessary for effective preparation, taking into
15 account the exercise of due diligence, pursuant to 18 U.S.C. §§ 3161(h)(8)(A),
16 3161(h)(8)(B)(iv). So stipulated.

17 Dated: May __, 2005

KEVIN V. RYAN
United States Attorney

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19
20 /s/
MARK L. KROTOSKI
Assistant United States Attorney

21 Dated: May __, 2005

22 /s/
23 THOMAS J. NOLAN, Jr.
24 Attorney for Defendant Meng
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ORDER

Based upon the foregoing Stipulation and good cause appearing therefor,

IT IS HEREBY ORDERED that the status conference set for June 1, 2005 is continued to June 8, 2005 at 1:30 P.M. Additionally, the time between June 1, 2005 to June 8, 2005 shall be excluded from the computation period within which the trial must commence, for the reasons and based upon the statutory provisions set forth by the parties in this Stipulation, including that time is needed for effective defense preparation. The Court independently finds that the ends of justice outweigh the interests of the public and the parties in a speedier trial based upon the grounds set forth above.

DATED: May 31, 2005

/s/electronic signature authorized
JEREMY FOGEL
United States District Judge

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